

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

TERRY BLACKETER,)	4:06CV3156
)	
Plaintiff,)	
)	
vs.)	MEMORANDUM
)	AND ORDER
MICHAEL J. ASTRUE,)	
Commissioner of the)	
Social Security Administration,)	
)	
Defendant.)	

Plaintiff filed a complaint to review and set aside a decision under the Social Security Act on June 28, 2006 (filing 1). After twice being granted additional time in which to respond to Plaintiff's brief on the merits, Defendant, on March 7, 2007, filed a motion to remand pursuant to sentence four of 42 U.S.C. § 405(g) (filing 22). Plaintiff has not made any objection to the motion, which is now ripe for decision.

Defendant's motion states that remand is appropriate for further development of the record "to ensure that the evidence obtained at step five of the sequential evaluation is consistent with Plaintiff's residual functional capacity, and properly reflects the availability of jobs at Plaintiff's skill level." Because the court construes Defendant's motion as a concession of error at the administrative level which brings into question the decision below, and because the government specifically concedes that this matter should be remanded pursuant to sentence four of 42 U.S.C. § 405(g), I shall reverse and remand this matter to Defendant for proper consideration and reevaluation of the evidence, as stated in the motion.

Accordingly,

IT IS ORDERED that:

- 1) Defendant's motion to remand (filing 22) is granted;
- 2) This matter is reversed and remanded pursuant to sentence four of 42 U.S.C. § 405(g) in order to allow Defendant to reevaluate Plaintiff's claim; and
- 3) Judgment shall be entered by separate document.

April 2, 2007.

BY THE COURT:

s/ Richard G. Kopf
United States District Judge